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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-856**

12 **MARY CARMEL COURTNEY-JOHNSON**  
13 **14171 Post Street**  
14 **Corona, CA 92880**

**ACCUSATION**

15 **Registered Nurse License No. 333525**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about September 30, 1981, the Board of Registered Nursing issued Registered  
23 Nurse License Number 333525 to Mary Carmel Courtney-Johnson also known as Mary Carmel  
24 Courtney (Respondent). The Registered Nurse License was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on February 28, 2013, unless renewed.  
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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code states:

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

## STATUTORY PROVISIONS

7. Section 2761 of the Code states in part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...

8. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

### **COST RECOVERY**

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct-Using Alcohol to An Extent or Manner Dangerous or Injurious)**

10. Respondent is subject to disciplinary action under Code section 2762(b) in that Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself and her patients while on duty as a registered nurse. The circumstances are as follows.

11. In 2002, Respondent was hired as a registered nurse at Kaiser Permanente Medical Center in Baldwin Park, California. On November 7 and 8, 2009, Respondent worked the night shift as a charge nurse from approximately 7:00 p.m. to 7:00 a.m. in the Step-Down Critical Care Unit. During her shift, Respondent left the hospital and walked to a grocery store. At the grocery store, she purchased a bottle of vodka, returned to the hospital and consumed the vodka in the bathroom. At approximately 6:30 a.m., she was discovered missing and then reported as missing to the Assistant Clinical Director. At approximately 7:30 a.m., a co-worker found Respondent lying face down on the floor of an empty patient room in the hospital.

12. Her co-worker noted that Respondent was "dazed" and difficult to awake from her state of unconsciousness. That co-worker and other staff members observed that Respondent was "unsteady on her feet" and "incoherent." When Respondent attempted to clock out for her shift, she stated that she could not "remember [her] numbers." One of Respondent's co-worker even retrieved a wheelchair for Respondent since she was so unsteady on her feet. Respondent's hair

1 was disheveled and her eyes were red. Her co-workers transported her to the Emergency Room  
2 where she was tested for alcohol.

3 13. Upon Respondent's return to work on November 10, 2009, Respondent met with the  
4 Human Resources Representative and the Chief Nurse Executive of the hospital. During the  
5 meeting, both the Human Resources Representative and the Chief Nurse Executive detected an  
6 odor of alcohol on Respondent's breath. The hospital placed Respondent on paid investigatory  
7 suspension pending a full investigation. Subsequently, an investigatory meeting was held on  
8 November 18, 2009 with Respondent, Respondent's Union Representative, the Clinical Director  
9 and a Human Resources Consultant. Respondent admitted that she had a problem with alcohol  
10 and was under the influence of alcohol while on duty at the hospital on her shift. Respondent  
11 subsequently entered the hospital's "Last Chance Chemical Dependency" rehabilitation program.

## 12 **SECOND CAUSE FOR DISCIPLINE**

### 13 **(Unprofessional Conduct)**

14 14. Respondent is subject to disciplinary action under Code section 2761(a) in that  
15 Respondent left the hospital while she was on duty to purchase alcohol and used alcohol while on  
16 duty as set forth in paragraphs 11-13.

## 17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Registered Nursing issue a decision:

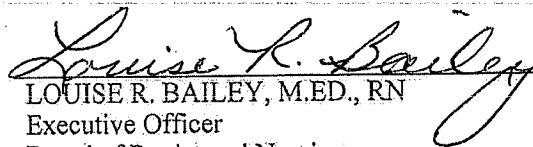
20 1. Revoking or suspending Registered Nurse License Number 333525, issued to Mary  
21 Carmel Courtney-Johnson;

22 2. Ordering Mary Carmel Courtney-Johnson to pay the Board of Registered Nursing the  
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
24 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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